

By: Birdwell, et al.
(Burkett, Raymond)

S.B. No. 212

Substitute the following for S.B. No. 212:

By: Raymond

C.S.S.B. No. 212

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the abolishment of the Texas Council on Purchasing from
3 People with Disabilities and the transfer of its functions to the
4 Texas Workforce Commission.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Sections 2155.138(a) and (b), Government Code,
7 are amended to read as follows:

8 (a) The competitive bidding provisions of this chapter do
9 not apply to a state purchase of goods or services that:

10 (1) are made or provided by blind or visually impaired
11 persons;

12 (2) are offered for sale to a state agency through
13 efforts made under Chapter 122, Human Resources Code [~~law by the~~
14 ~~Texas Council on Purchasing from People with Disabilities~~];

15 (3) meet state specifications for quantity, quality,
16 delivery, and life cycle costs; and

17 (4) cost not more than the fair market price of similar
18 items.

19 (b) The Texas Workforce Commission [~~council~~] shall test the
20 goods and services to the extent necessary to ensure quality. The
21 Texas Workforce Commission [~~council~~] may enter into a contract with
22 a private or public entity to assist with testing.

23 SECTION 2. The heading to Chapter 122, Human Resources
24 Code, is amended to read as follows:

1 CHAPTER 122. [~~TEXAS COUNCIL ON~~] PURCHASING FROM PEOPLE WITH
2 DISABILITIES

3 SECTION 3. Section 122.0012, Human Resources Code, is
4 amended to read as follows:

5 Sec. 122.0012. SUNSET PROVISION. (a) The comptroller's
6 authority to perform any act under this chapter that relates to
7 state purchasing is subject to Chapter 325, Government Code (Texas
8 Sunset Act). Notwithstanding any other law, that authority expires
9 September 1, 2021, unless continued in existence as provided by
10 Chapter 325, Government Code.

11 (b) The Texas Workforce Commission's authority to
12 administer and oversee the program administered under this chapter
13 is subject to Chapter 325, Government Code (Texas Sunset Act).
14 Notwithstanding any other law, that authority expires September 1,
15 2021, unless continued in existence as provided by Chapter 325,
16 Government Code.

17 SECTION 4. Section 122.002, Human Resources Code, is
18 amended by adding Subdivision (6) to read as follows:

19 (6) "Workforce commission" means the Texas Workforce
20 Commission.

21 SECTION 5. Section 122.0057, Human Resources Code, as
22 amended by S.B. 219, Acts of the 84th Legislature, Regular Session,
23 2015, is amended to read as follows:

24 Sec. 122.0057. ADVISORY COMMITTEE. (a) The workforce
25 commission shall [~~council may~~] establish an advisory committee to
26 assist the workforce commission in establishing:

27 (1) performance goals for the program administered

1 under this chapter; and

2 (2) criteria for certifying a community
3 rehabilitation program for participation in the program
4 administered under this chapter [~~if the council considers the~~
5 ~~committee necessary. The membership of the committee is determined~~
6 ~~by the council~~].

7 (b) The advisory committee consists of 13 members appointed
8 by the workforce commission as follows:

9 (1) four representatives from community
10 rehabilitation programs that participate in the program
11 administered under this chapter;

12 (2) four representatives from organizations that
13 advocate for persons with disabilities;

14 (3) one representative from a state agency that
15 provides vocational rehabilitation services to persons with
16 disabilities; and

17 (4) four persons with disabilities, of whom two are
18 employed by a community rehabilitation program that participates in
19 the program administered under this chapter [~~The council shall~~
20 ~~specify the purpose and duties of the advisory committee, which~~
21 ~~must include:~~

22 [~~(1) reviewing the effectiveness of the program~~
23 ~~administered under this chapter; and~~

24 [~~(2) recommending procedures to create higher skilled~~
25 ~~and higher paying employment opportunities~~].

26 (c) Members of the [~~an~~] advisory committee serve at the will
27 of the workforce commission [~~council. The council may dissolve an~~

1 ~~advisory committee when appropriate].~~

2 (d) The workforce commission shall appoint a presiding
3 officer from among the advisory committee members ~~[The council~~
4 ~~shall make reasonable attempts to have balanced representation on~~
5 ~~all advisory committees, including attempting to seek~~
6 ~~representation from:~~

7 ~~[(1) the Lighthouse for the Blind and Visually~~
8 ~~Impaired community rehabilitation programs;~~

9 ~~[(2) the Goodwill community rehabilitation programs;~~

10 ~~[(3) other community rehabilitation programs;~~

11 ~~[(4) representatives from central nonprofit agencies;~~

12 ~~[(5) representatives of disability advocacy groups;~~

13 ~~[(6) government purchasing agents with knowledge of~~
14 ~~this chapter;~~

15 ~~[(7) private industry representatives with knowledge~~
16 ~~of this chapter; and~~

17 ~~[(8) private citizens with disabilities who have~~
18 ~~knowledge of the sale of products and services].~~

19 (e) The members of the advisory committee serve staggered
20 four-year terms, with the terms of either six or seven members
21 expiring February 1 of each odd-numbered year. A member may not
22 serve more than two terms.

23 (f) A vacancy on the committee shall be filled in the same
24 manner as the original appointment for that position.

25 (g) The advisory committee shall meet semiannually.

26 (h) The advisory committee shall:

27 (1) establish specific objectives for the program

1 administered under this chapter that are appropriate given the
2 program's status as one of several employment-related services this
3 state offers to persons with disabilities;

4 (2) develop performance measures that may be used by
5 the workforce commission to evaluate whether the program is meeting
6 the objectives established under Subdivision (1); and

7 (3) recommend criteria for certifying community
8 rehabilitation programs for participation in the program.

9 (i) In developing the performance measures under Subsection
10 (h), the advisory committee must consider the following factors as
11 applicable to the program administered under this chapter:

12 (1) the percentage of total sales revenue attributable
13 to the program:

14 (A) paid in wages to persons with disabilities;
15 and

16 (B) spent on direct training and professional
17 development services for persons with disabilities;

18 (2) the average hourly wage earned by a person
19 participating in the program;

20 (3) the average annual salary earned by a person
21 participating in the program;

22 (4) the number of persons with disabilities
23 participating in the program paid less than minimum wage;

24 (5) the average number of hours worked each week by a
25 person with a disability who participates in the program;

26 (6) the percentage of persons with disabilities who
27 participate in the program and who are placed into competitive

1 positions, including competitive management or administrative
2 positions within community rehabilitation programs; and

3 (7) the percentage of work performed by persons with
4 disabilities who participate in the program that is purely
5 repackaging labor.

6 (j) The advisory committee shall meet at the call of the
7 presiding officer at least once each fiscal year to review and, if
8 necessary, recommend changes to program objectives, performance
9 measures, and criteria established under Subsection (h).

10 (k) The advisory committee shall provide input to the
11 workforce commission in adopting rules applicable to the program
12 administered under this chapter relating to the employment-first
13 policies described by Sections 531.02447 and 531.02448, Government
14 Code.

15 (l) The advisory committee may request administrative
16 support from the workforce commission. The workforce commission
17 shall provide the requested assistance.

18 (m) The advisory committee is not subject to Chapter 2110,
19 Government Code.

20 SECTION 6. Chapter 122, Human Resources Code, is amended by
21 adding Section 122.0058 to read as follows:

22 Sec. 122.0058. APPLICATION OF OPEN MEETINGS LAW, OPEN
23 RECORDS LAW, AND ADMINISTRATIVE PROCEDURE LAW TO ADVISORY
24 COMMITTEE. The advisory committee established under Section
25 122.0057 is subject to the requirements of the open meetings law,
26 Chapter 551, Government Code, the open records law, Chapter 552,
27 Government Code, and Chapter 2001, Government Code.

1 SECTION 7. Sections 122.007(a) and (c), Human Resources
2 Code, and Section 122.007(d), Human Resources Code, as amended by
3 S.B. 219, Acts of the 84th Legislature, Regular Session, 2015, are
4 amended to read as follows:

5 (a) The workforce commission [~~council~~] shall determine the
6 fair market price of all products and services manufactured or
7 provided by persons with disabilities and offered for sale to the
8 various agencies and departments of the state and its political
9 subdivisions by a community rehabilitation program participating
10 in the program administered under this chapter. The workforce
11 commission [~~council~~] shall ensure that the products and services
12 offered for sale offer the best value for the state or a political
13 subdivision. The comptroller shall provide the workforce
14 commission with the information and resources necessary for the
15 workforce commission to comply with this subsection.

16 (c) The workforce commission [~~council~~] shall revise the
17 prices periodically to reflect changing market conditions.

18 (d) Before offering for sale products and services
19 manufactured or provided by persons with disabilities to state
20 agencies and political subdivisions, the workforce commission
21 [~~council~~] shall test the goods and services in accordance with
22 Section 2155.069, Government Code, to the extent necessary to
23 ensure quality. The workforce commission [~~council~~] may enter into
24 a contract with a private or public entity to assist with testing.
25 The comptroller shall make awards under this section based on
26 proposed goods and services meeting formal state specifications
27 developed by the comptroller or meeting commercial specifications

1 approved by the comptroller.

2 SECTION 8. Section [122.008](#), Human Resources Code, is
3 amended to read as follows:

4 Sec. 122.008. PROCUREMENT AT DETERMINED PRICE. A suitable
5 product or service that meets applicable specifications
6 established by the state or its political subdivisions and that is
7 available within the time specified must be procured from a
8 community rehabilitation program at the price determined by the
9 workforce commission [~~council~~] to be the fair market price under
10 Section [122.007](#).

11 SECTION 9. Section [122.009](#), Human Resources Code, as
12 amended by S.B. 219, Acts of the 84th Legislature, Regular Session,
13 2015, is amended to read as follows:

14 Sec. 122.009. RECORDS. [~~(a)~~] The records of the workforce
15 commission [~~council~~] and of a central nonprofit agency shall, to
16 the extent that the records pertain specifically to state purchases
17 of the products and services of persons with disabilities, be made
18 available upon request to the inspection of representatives of the
19 state auditor, the governor's budget office, or the Legislative
20 Budget Board. The inspection of the records shall be conducted with
21 due regard to the privacy rights of persons with disabilities. A
22 document that is available for inspection under this subsection is
23 an open record for purposes of Chapter 552, Government Code.

24 [~~(b) The comptroller is the depository for all records~~
25 ~~concerning the council's operations.~~

26 [~~(c) The council is subject to Chapter 552, Government~~
27 ~~Code.~~]

1 SECTION 10. Sections 122.0095(a) and (e), Human Resources
2 Code, as amended by S.B. 219, Acts of the 84th Legislature, Regular
3 Session, 2015, are amended to read as follows:

4 (a) Each state agency that purchases products or services
5 through a program under this chapter shall:

6 (1) designate an agency employee to ensure that the
7 agency complies with this chapter; and

8 (2) report to the comptroller and the workforce
9 commission [~~council~~] the purchase of products or services available
10 from a central nonprofit agency or community rehabilitation program
11 under this chapter, but purchased from another business that is not
12 a central nonprofit agency or community rehabilitation program
13 under this chapter.

14 (e) The workforce commission [~~council~~] shall review and
15 analyze the information contained in the reports under this section
16 and Sections 122.012 and 122.016. The comptroller shall assist the
17 workforce commission [~~council~~] in reviewing and analyzing the
18 reports in order to improve state agency compliance with this
19 chapter.

20 SECTION 11. Section 122.010, Human Resources Code, is
21 amended to read as follows:

22 Sec. 122.010. COOPERATION WITH DEPARTMENT OF CRIMINAL
23 JUSTICE. The workforce commission [~~council~~] may cooperate with the
24 Texas Department of Criminal Justice to accomplish the purposes of
25 this chapter and to contribute to the economy of state government.
26 The workforce commission [~~council~~] and the department may enter
27 into contractual agreements, cooperative working relationships, or

1 other arrangements necessary for effective coordination and the
2 realization of the objectives of both entities.

3 SECTION 12. Section 122.011, Human Resources Code, is
4 amended to read as follows:

5 Sec. 122.011. CORRELATION WITH RELATED FEDERAL PROGRAMS.
6 The workforce commission [~~council~~] may adopt procedures,
7 practices, and standards used for federal programs similar to the
8 state program established in this chapter.

9 SECTION 13. Sections 122.012(a), (b), and (e), Human
10 Resources Code, as amended by S.B. 219, Acts of the 84th
11 Legislature, Regular Session, 2015, are amended to read as follows:

12 (a) The comptroller shall cooperate with, and provide any
13 [~~legal and other~~] necessary support to, the workforce commission
14 [~~council~~] in accordance with legislative appropriation[~~.—The~~
15 ~~comptroller shall assign an upper-level management employee to~~
16 ~~ensure that the comptroller meets the requirements of this~~
17 ~~chapter~~].

18 (b) State agencies responsible for the provision of
19 rehabilitation and related services to persons with disabilities
20 shall cooperate with the workforce commission [~~council~~] in the
21 operation of the program. The Department of Assistive and
22 Rehabilitative Services and other state human services agencies
23 responsible for assisting persons with disabilities may, through
24 written agreements or interagency contracts, provide space,
25 storage, logistical support, consultation, expert services,
26 communications services, or financial assistance with respect to
27 the program administered under this chapter [~~any function or~~

1 ~~responsibility of the council~~].

2 (e) After any audit or review the comptroller conducts with
3 regard to state agency compliance with purchasing laws and
4 procedures, the comptroller shall report to the workforce
5 commission [~~council~~] a state agency that is not complying with this
6 chapter.

7 SECTION 14. Sections 122.013(a) and (c), Human Resources
8 Code, are amended to read as follows:

9 (a) The workforce commission [~~council~~] shall adopt rules
10 for the implementation, extension, administration, or improvement
11 of the program authorized by this chapter in accordance with
12 Chapter 2001, Government Code.

13 (c) The workforce commission [~~council~~] shall adopt rules
14 to:

15 (1) address possible conflicts of interest for central
16 nonprofit agencies and community rehabilitation programs;

17 (2) establish a process for the certification of
18 community rehabilitation programs;

19 (3) establish a minimum percentage of disabled labor
20 an organization must employ to be considered a community
21 rehabilitation program under this chapter; and

22 (4) define the terms "value-added" and "direct labor"
23 for products manufactured and services provided that are offered
24 for sale under this chapter.

25 SECTION 15. Section 122.015, Human Resources Code, is
26 amended by amending Subsection (a) and adding Subsection (d) to
27 read as follows:

1 (a) In determining the fair market value of products or
2 services offered for sale under this chapter, the workforce
3 commission [~~subcommittee established under Section 122.007(b) and~~
4 ~~the council~~] shall give due consideration to the following type of
5 factors:

6 (1) to the extent applicable, the amounts being paid
7 for similar articles in similar quantities by federal agencies
8 purchasing the products or services under the authorized federal
9 program of like effect to the state program authorized by this
10 chapter;

11 (2) the amounts which private business would pay for
12 similar products or services in similar quantities if purchasing
13 from a reputable corporation engaged in the business of selling
14 similar products or services;

15 (3) to the extent applicable, the amount paid by the
16 state in any recent purchases of similar products or services in
17 similar quantities, making due allowance for general inflationary
18 or deflationary trends;

19 (4) the actual cost of manufacturing the product or
20 performing a service at a community rehabilitation program offering
21 employment services on or off premises to persons with
22 disabilities, with adequate weight to be given to legal and moral
23 imperatives to pay workers with disabilities equitable wages; and

24 (5) the usual, customary, and reasonable costs of
25 manufacturing, marketing, and distribution.

26 (d) The comptroller shall provide the workforce commission
27 with the information and resources necessary for the workforce

1 commission to comply with this section.

2 SECTION 16. Section 122.016(b), Human Resources Code, as
3 amended by S.B. 219, Acts of the 84th Legislature, Regular Session,
4 2015, is amended to read as follows:

5 (b) Each month, the comptroller shall provide the workforce
6 commission [~~council~~] with a list of all items purchased under the
7 exception provided by Subsection (a). The workforce commission
8 [~~council~~] shall adopt the form in which the list is to be provided
9 and may require the list to include the date of requisition, the
10 type of product or service requested, the reason for purchase under
11 the exception, and any other information that the workforce
12 commission [~~council~~] considers relevant to a determination of why
13 the product or service was not purchased in accordance with Section
14 122.014.

15 SECTION 17. Section 122.019, Human Resources Code, as
16 amended by S.B. 219, Acts of the 84th Legislature, Regular Session,
17 2015, is amended to read as follows:

18 Sec. 122.019. CENTRAL NONPROFIT AGENCY. (a) The workforce
19 commission [~~council~~] may select and contract with one or more
20 central nonprofit agencies through a request for proposals for a
21 period not to exceed five years. Once the selection process is
22 completed, the workforce commission may [~~council shall~~] contract
23 with a central nonprofit agency to:

24 (1) recruit and assist community rehabilitation
25 programs in developing and submitting applications for the
26 selection of suitable products and services;

27 (2) facilitate the distribution of orders among

1 community rehabilitation programs;

2 (3) manage and coordinate the day-to-day operation of
3 the program, including the general administration of contracts with
4 community rehabilitation programs;

5 (4) promote increased supported employment
6 opportunities for persons with disabilities; and

7 (5) recruit and assist qualified nonprofit
8 organizations that are managed by members of racial minorities,
9 women, or persons with disabilities and that are in the process of
10 qualifying as community rehabilitation programs.

11 (b) The services of a central nonprofit agency may include
12 marketing and marketing support services, such as:

13 (1) assistance to community rehabilitation programs
14 regarding solicitation and negotiation of contracts;

15 (2) direct marketing of products and services to
16 consumers;

17 (3) research and development of products and services;

18 (4) public relations activities to promote the
19 program;

20 (5) customer relations;

21 (6) education and training;

22 (7) accounting services related to purchase orders,
23 invoices, and payments to community rehabilitation programs; and

24 (8) other duties designated by the workforce
25 commission [~~council~~].

26 (c) Each year, the workforce commission [~~council~~] shall
27 review services provided by a central nonprofit agency and the

1 revenues required to accomplish the program to determine whether
2 each agency's performance complies with contractual
3 specifications. Not later than the 60th day before the review, the
4 workforce commission [~~council~~] shall publish in the Texas Register
5 a request for comment on the services of a central nonprofit agency
6 that participates in community rehabilitation programs.

7 (d) At least once during each five-year period, the
8 workforce commission [~~council~~] may review and renegotiate the
9 contract with a central nonprofit agency. Not later than the 60th
10 day before the date the workforce commission [~~council~~] adopts or
11 renews a contract, the workforce commission [~~council~~] shall publish
12 notice of the proposed contract in the Texas Register.

13 (e) The workforce commission shall determine the best
14 method to structure the maximum management fee rate charged by a
15 central nonprofit agency for its services [~~must be computed as a~~
16 ~~percentage of the selling price of the product or the contract price~~
17 ~~of a service, must be included in the selling price or contract~~
18 ~~price, and must be paid at the time of sale]. The management fee~~
19 rate must be [~~approved by the council and must be~~] reviewed on an
20 annual basis.

21 (f) A percentage of the management fee described by
22 Subsection (e) shall be paid to the workforce commission [~~council~~]
23 and is subject to Section [122.023](#). The percentage shall be set by
24 the workforce commission [~~council~~] in the amount necessary to
25 reimburse the general revenue fund for direct and reasonable costs
26 incurred by the comptroller and [~~7~~] the workforce commission
27 [~~council, and the council staff~~] in administering the comptroller's

1 and workforce commission's [~~council's~~] duties under this chapter,
2 including any costs associated with providing support to the
3 advisory committee.

4 (g) The workforce commission [~~council~~] may terminate a
5 contract with a central nonprofit agency if:

6 (1) the workforce commission [~~council~~] finds
7 substantial evidence of the central nonprofit agency's
8 noncompliance with contractual obligations; and

9 (2) the workforce commission [~~council~~] has provided at
10 least 30 days' notice to the central nonprofit agency of the
11 termination of the contract.

12 (h) The workforce commission [~~council~~] may request an audit
13 by the state auditor of:

14 (1) the management fee set by a central nonprofit
15 agency; or

16 (2) the financial condition of a central nonprofit
17 agency.

18 (i) A person may not operate a community rehabilitation
19 program and at the same time contract with the workforce commission
20 [~~council~~] as a central nonprofit agency.

21 SECTION 18. Section [122.020](#), Human Resources Code, is
22 amended to read as follows:

23 Sec. 122.020. CONSUMER INFORMATION; COMPLAINTS. (a) The
24 workforce commission [~~council~~] shall prepare information of
25 consumer interest describing the activities of the workforce
26 commission under this chapter [~~council~~] and describing the
27 workforce commission's [~~council's~~] procedures by which consumer

1 complaints are filed with and resolved by the workforce commission
2 under this chapter [~~council~~]. The workforce commission [~~council~~]
3 shall make the information available to the general public and
4 appropriate state agencies.

5 (b) The workforce commission [~~council~~] shall keep an
6 information file about each complaint filed with the workforce
7 commission [~~council~~]. The file must include:

8 (1) the name of the person who filed the complaint;

9 (2) the date the complaint is received by the
10 workforce commission [~~council~~];

11 (3) the subject matter of the complaint;

12 (4) the name of each person contacted in relation to
13 the complaint;

14 (5) a summary of the results of the review or
15 investigation of the complaint; and

16 (6) an explanation of the reason the file was closed,
17 if the workforce commission [~~council~~] closed the file without
18 taking action other than to investigate the complaint.

19 (c) If a written complaint is filed with the workforce
20 commission [~~council~~], the workforce commission [~~council~~], at least
21 as frequently as quarterly and until final disposition of the
22 complaint, shall notify the parties to the complaint of the status
23 of the complaint unless the notice would jeopardize an undercover
24 investigation.

25 (d) The workforce commission [~~council~~] shall provide to the
26 person filing the complaint and to each person who is a subject of
27 the complaint a copy of the workforce commission's [~~council's~~]

1 policies and procedures relating to complaint investigation and
2 resolution.

3 SECTION 19. Sections [122.0205](#)(a) and (c), Human Resources
4 Code, are amended to read as follows:

5 (a) A dispute between the workforce commission [~~council~~]
6 and a central nonprofit agency or a community rehabilitation
7 program shall first be submitted to alternative dispute resolution.

8 (c) This section does not limit the workforce commission's
9 [~~council's~~] ability to request opinions from the attorney general.

10 SECTION 20. Section [122.0215](#), Human Resources Code, is
11 amended to read as follows:

12 Sec. 122.0215. ACCESS TO INFORMATION AND RECORDS;
13 INSPECTION. (a) The workforce commission [~~council and the~~
14 ~~council's staff~~] may access financial or other information and
15 records from a central nonprofit agency or a community
16 rehabilitation program if the workforce commission [~~council~~]
17 determines the information and records are necessary for the
18 effective administration of this chapter and rules adopted under
19 this chapter.

20 (b) Information and records must be obtained under
21 Subsection (a) in recognition of the privacy interest of persons
22 employed by central nonprofit agencies or community rehabilitation
23 programs. The information and records may not be released or made
24 public on subpoena or otherwise, except that release may be made:

25 (1) for statistical purposes, but only if a person is
26 not identified;

27 (2) with the consent of each person identified in the

1 information released; or

2 (3) regarding a compensation package of any central
3 nonprofit agency employee or subcontractor if determined by the
4 workforce commission [~~council~~] to be relevant to the administration
5 of this chapter.

6 (c) The workforce commission [~~council~~] shall adopt rules
7 establishing procedures to ensure that the information and records
8 maintained by the workforce commission [~~council~~] under this chapter
9 are kept confidential and protected from release to unauthorized
10 persons.

11 (d) The workforce commission [~~council~~] or a central
12 nonprofit agency at the workforce commission's [~~council's~~]
13 direction may inspect a community rehabilitation program for
14 compliance with certification criteria established under Section
15 [~~Sections 122.003(j) and~~] 122.013(c). [~~The committee designated~~
16 ~~under Section 122.003(j) shall review the inspection results and~~
17 ~~recommend appropriate action to the council.~~]

18 SECTION 21. Section 122.022, Human Resources Code, as
19 amended by S.B. 219, Acts of the 84th Legislature, Regular Session,
20 2015, is amended to read as follows:

21 Sec. 122.022. REPORTS. (a) On or before November 1 of each
22 year, the workforce commission [~~council~~] shall prepare an annual
23 financial report in the form prescribed by Section 2101.011,
24 Government Code, relating to the workforce commission's activities
25 under this chapter and file the report with the governor and the
26 presiding officer of each house of the legislature [~~a copy of the~~
27 ~~annual financial report prepared by the council under Section~~

1 ~~2101.011, Government Code~~].

2 (b) As part of the report filed under Subsection (a), the
3 workforce commission [~~council~~] shall provide:

4 (1) the number of persons with disabilities, according
5 to their type of disability, who are employed in community
6 rehabilitation programs participating in the programs established
7 by this chapter or who are employed by businesses or workshops that
8 receive supportive employment from community rehabilitation
9 programs;

10 (2) the amount of annual wages paid to a person
11 participating in the program;

12 (3) a summary of the sale of products offered by a
13 community rehabilitation program;

14 (4) a list of products and services offered by a
15 community rehabilitation program;

16 (5) the geographic distribution of the community
17 rehabilitation programs;

18 (6) the number of workers without disabilities who are
19 employed in community rehabilitation programs under this chapter;
20 and

21 (7) the average and range of weekly earnings for
22 workers with disabilities and workers without disabilities who are
23 employed in community rehabilitation programs under this chapter.

24 SECTION 22. Section 122.023, Human Resources Code, is
25 amended to read as follows:

26 Sec. 122.023. [~~COUNCIL~~] FUNDS. All money paid to the
27 workforce commission [~~council~~] under this chapter is subject to

1 Subchapter F, Chapter 404, Government Code.

2 SECTION 23. Section 122.024, Human Resources Code, is
3 amended to read as follows:

4 Sec. 122.024. STRATEGIC PLAN; FINAL OPERATING PLAN. The
5 workforce commission [~~council~~] shall prepare a [~~an agency~~]
6 strategic plan and a final operating plan relating to the workforce
7 commission's activities under this chapter as required by
8 Subchapter E, Chapter 2054, Government Code.

9 SECTION 24. Section 122.028, Human Resources Code, is
10 amended to read as follows:

11 Sec. 122.028. PROGRAM PROMOTION. The workforce commission
12 [~~council~~] shall establish procedures for the promotion of the
13 program administered under this chapter.

14 SECTION 25. Section 122.029, Human Resources Code, is
15 amended to read as follows:

16 Sec. 122.029. DUTIES OF STATE AUDITOR. (a) As part of an
17 audit of a state agency authorized under Section 2161.123,
18 Government Code, the state auditor shall:

19 (1) conduct an audit of a state agency for compliance
20 with this chapter; and

21 (2) report to the workforce commission [~~council~~] a
22 state agency that is not complying with this chapter.

23 (b) If the state auditor reports to the workforce commission
24 [~~council~~] that a state agency is not complying with this chapter,
25 the workforce commission [~~council~~] shall assist the agency in
26 complying.

27 SECTION 26. Section 122.030, Human Resources Code, is

1 amended to read as follows:

2 Sec. 122.030. MANAGEMENT FEE RATE; REVIEW PROCESS. (a)

3 The workforce commission [~~council~~] shall develop a formal review
4 process for the annual review conducted under Section 122.019(e).

5 The review process must include:

6 (1) notice to affected parties, including community
7 rehabilitation programs;

8 (2) solicitation of public comment; and

9 (3) documentation provided by a central nonprofit
10 agency in support of a proposed management fee rate change.

11 (b) Before making a decision relating to the management fee
12 rate, the workforce commission [~~council~~] shall consider:

13 (1) any public comment received;

14 (2) documentation provided by a central nonprofit
15 agency; and

16 (3) any documentation provided by a community
17 rehabilitation program or the public.

18 (c) The workforce commission [~~council~~] shall adopt rules to
19 implement this section.

20 SECTION 27. The following provisions of the Human Resources
21 Code, including provisions amended by S.B. 219, Acts of the 84th
22 Legislature, Regular Session, 2015, are repealed:

23 (1) Section 122.002(4);

24 (2) Section 122.003;

25 (3) Section 122.004;

26 (4) Section 122.005;

27 (5) Section 122.0055;

- 1 (6) Section 122.006;
- 2 (7) Section 122.007(b);
- 3 (8) Section 122.013(b);
- 4 (9) Section 122.0206;
- 5 (10) Section 122.021;
- 6 (11) Section 122.025; and
- 7 (12) Section 122.027.

8 SECTION 28. (a) The Texas Council on Purchasing from People
9 with Disabilities is abolished.

10 (b) The validity of an action taken by or in connection with
11 the authority of the Texas Council on Purchasing from People with
12 Disabilities before it is abolished is not affected by the
13 abolition.

14 SECTION 29. (a) All powers and duties of the Texas Council
15 on Purchasing from People with Disabilities are transferred to the
16 Texas Workforce Commission.

17 (b) A rule, form, policy, procedure, or decision of the
18 Texas Council on Purchasing from People with Disabilities continues
19 in effect as a rule, form, policy, procedure, or decision of the
20 Texas Workforce Commission until superseded by an act of the Texas
21 Workforce Commission.

22 (c) A reference in law to the Texas Council on Purchasing
23 from People with Disabilities means the Texas Workforce Commission.

24 (d) Any action or proceeding before the Texas Council on
25 Purchasing from People with Disabilities is transferred without
26 change in status to the Texas Workforce Commission and the Texas
27 Workforce Commission assumes, without a change in status, the

1 position of the Texas Council on Purchasing from People with
2 Disabilities in any action or proceeding to which the Texas Council
3 on Purchasing from People with Disabilities is a party.

4 (e) All money, contracts, leases, rights, bonds, and
5 obligations of the Texas Council on Purchasing from People with
6 Disabilities are transferred to the Texas Workforce Commission.

7 (f) All personal property, including records, in the
8 custody of the Texas Council on Purchasing from People with
9 Disabilities becomes the property of the Texas Workforce
10 Commission.

11 (g) All funds appropriated by the legislature to the Texas
12 Council on Purchasing from People with Disabilities are transferred
13 to the Texas Workforce Commission.

14 SECTION 30. The terms of the current members of the advisory
15 committee amended by this Act expire on the effective date of this
16 Act. On that date or as soon as possible after that date, the Texas
17 Workforce Commission shall appoint new members to the advisory
18 committee in accordance with the requirements of Section [122.0057](#),
19 Human Resources Code, as amended by this Act. The Texas Workforce
20 Commission shall designate the six members of the committee whose
21 terms expire on February 1, 2017, and the seven members of the
22 committee whose terms expire on February 1, 2019.

23 SECTION 31. This Act takes effect September 1, 2015.